

MANDATE

04-12442
USDC/MA
Judge Lasker

**United States Court of Appeals
For the First Circuit**

No. 04-2731

WILLIAM J. CURRY,
Petitioner, Appellant,
v.

COMMONWEALTH OF MASSACHUSETTS,
Respondent, Appellee.

Before
Torruella, Lipez and Howard,
Circuit Judges.

JUDGMENT

Entered: March 21, 2005

As the district court correctly determined, petitioner's motion is in essence a successive habeas petition. Hence, absent prior authorization from this court, the district court was required to dismiss the petition for lack of jurisdiction. 28 U.S.C. § 2244(b)(3)(A). Therefore, for the reasons given by the district court in its memorandum and order, dated December 2, 2004, the petition for a certificate of appealability is denied and this appeal is terminated.

**Certified and Issued as Mandate
under Fed. R. App. P. 41.**

Richard Cushing Donovan, Clerk

Lynan Pedemini
Deputy Clerk

Date: 4-11-05

By the Court:

Richard Cushing Donovan, Clerk.

MARGARET CARTER

By: _____
Chief Deputy Clerk.

[cc: William J. Curry, Thomas F. Reilly, Esq. and Cathryn A.
Neaves, Esq.]